

REMARKS

Claims 36-50 are pending in this application. Claims 36-50 are amended herein.

Claim(s) 36, 37, 39, 41, 42, 44, 46, 47, and 49 are independent.

The participation of the Examiner and Supervisory Examiner in an interview on September 24, 2002, the discussions at which are summarized in the Interview Summary of the same date, is noted with appreciation.

Claims 36-50 are amended solely to delete unnecessary limitations and for clarification. Accordingly, the claim amendments are non-narrowing and are not made for purposes of patentability. As discussed at the above referenced interview and below, the claim rejections set-forth in the Official Action to which this response relates are traversed.

The objection to the drawings for failing to comply with 37 CFR 1.84(p)(4) is noted. Accordingly, Figure 3 is amended to replace MMF reference numeral "47" with MMF reference numeral "42".

Claims 37-38 and 47-48 stand rejected under 35 U.S.C. §112 (first paragraph) as indefinite. The rejection is respectfully traversed.

The Examiner contends that "searching a master merchant database containing merchants received from other consumers to determine if a merchant on the list received from the consumer is included in the master merchant database" is not enabled by the specification.

However, as discussed on page 6, line 15, through page 7, line 1, a consumer must inform the service provider of merchant information and this information is put into a master merchant file database 42 (MMF). It should be noted, as described, for example, on page 7, lines 7-20, the merchants for the particular consumer are also included in the

consumer's merchant list which can be accessed by the consumer to initiate the payment of a bill associated with a merchant on the merchant list (which is sometimes referred to as the consumer's MMF or consumer pay table 38). As further described on page 8, line 10, through page 9, line 4, consumer records may be received which identify a new merchant to be added to that consumer's pay table. The identified new merchant is compared to the master merchant file database 42 as well as the consumer's pay table to determine if the merchant already exists in both the MMF 42 and pay table (or consumer's MMF) 38. If no record of the merchant exists, it will be created and added to the MMF 42. Furthermore, a similar process is utilized upon receipt of a payment record or request to pay a particular merchant.

Accordingly, it is respectfully submitted that the specification would be understood by those skilled in the art to disclose and enable the searching of a master merchant file including merchants identified by multiple different consumers to determine if a merchant identified by a particular consumer is already included in the master merchant file, and if not, to add the merchant to the master merchant file.

Therefore, it is respectfully requested that the indefiniteness rejection be reconsidered and withdrawn.

Claims 36-50 stand rejected under 35 U.S.C. §103(a) as obvious over Lawlor et al. (U.S. Patent No. 5,220,51), in view of Huber (U.S. Patent No. 4,791,561). The rejection is respectfully traversed.

The Examiner points generally to Lawlor's disclosure in columns 10-11, 18-23, 32-34, 41-49, as disclosing all claimed features other than adding a merchant to a master merchant file database if the merchant is not included in the master merchant

file database at the time of a search. Accordingly, the Examiner proposes to modify Lawlor based on the general teachings of Huber relating to the management and upgrading of relational databases.

For example, the Examiner asserts that Lawlor discloses searching a master database of merchants containing merchants received from other customers, without identifying where in Lawlor such a disclosure is to be found. However, it is respectfully submitted that Lawlor lacks any disclosure of a master database of merchants or a database of merchants containing merchants received or identified by multiple customers.

Rather, as explicitly disclosed in column 42, line 60, through column 43, line 25, and shown in Figures 14A-14C, the user must provide, prior to requesting any payments, merchant information relating to merchants to whom he/she wishes to pay bills electronically. This user-specific payee information is stored and accessed to display a list of payees to that user. Thus, Lawlor explicitly teaches only a user specific merchant file and lacks any disclosure whatsoever of a master merchant file, i.e. a file which includes merchants identified by multiple users or consumers.

Accordingly, Lawlor fails to disclose the master merchant file database required by each of the independent claims. Hence, Lawlor necessarily fails to disclose the searching of such a file to determine if a merchant identified by a consumer (either during a registration type process or in conjunction with a request that payment) is included in such a master merchant file database. In fact, Lawlor explicitly teaches the creation of only user specific merchant files.

Huber generally discloses techniques for managing and updating databases but lacks any disclosure relating to merchants or databases having merchant information. Accordingly, Huber does not cure the defects in the applied Lawlor reference.

Furthermore, it is respectfully submitted that there is nothing within either of the applied art references which suggests the combination proposed by the Examiner. That is, even if Lawlor were to disclose a master merchant file database (which it does not), there is nothing in either Lawlor or Huber to suggest searching a merchant file for a merchant identified by a user or consumer and adding the identified merchant to the merchant file if that merchant is not already included in the merchant file. Thus, there is no motivation for the proposed combination.

In summary, even if the applied art combination were proper (which it is respectfully submitted is not the case), the applied combination lacks the determining and adding required by independent claim 36, the searching and adding required by independent claim 37, the determining and adding required by independent claim 39, the storage device and processor required by independent claims 41, 42 and 44, and programming which causes a computer to make the determination and add the merchant as required by independent claims 46 and 49, and programming which causes a computer to search and add an identified merchant as required by independent claim 47.

Additionally, features recited in the dependent claims further and independently distinguish over the applied prior art.

For example, the applied art lacks any disclosure whatsoever of adding of a merchant to a merchant file in conjunction with a request for payment as required by

claim 38. Lawlor specifically discloses that the merchant information must be provided by the user prior to any request for payment of a bill.

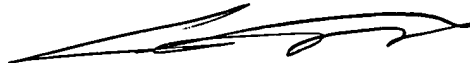
As noted above, the applied art also lacks a master merchant file database which includes merchants identified by multiple consumers or users as required by claim 40. Furthermore, features recited in dependent claims 43, 45, 48 and 50 also independently distinguish over the applied prior art for reasons which are believed to be clear from the above discussion.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 01-2135 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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**APPENDIX
AMENDMENTS TO CLAIMS
(DELETIONS IN BRACKETS AND ADDITIONS UNDERLINED)**

36. (AMENDED) A method for paying bills, comprising the steps of:

receiving, via a network, a request to pay a bill associated with a merchant on behalf of a consumer;

[searching a master database of merchants to determine] determining if the merchant is included in [the] a master merchant file database [of merchants];

adding the merchant to the master merchant file database [of merchants] if the merchant is determined to not be included in the master merchant file database [of merchants]; and

processing the request to generate an instruction to pay the bill.

37. (AMENDED) A method for maintaining a master merchant file database, comprising the steps of:

receiving [from a consumer] a list [of] identifying merchants from a consumer;

searching a master merchant file database [containing], including information associated with merchants that has been received from other consumers, to determine if [a merchant] information associated with one of the identified merchants [on the list received from the consumer] is included in the master merchant file database; and

adding [a] information associated with the one identified merchant to the master merchant file database [from the list of merchants received from the consumer] if information associated with the one identified merchant is determined not to be included in the master merchant file database.

38. (AMENDED) The method of claim 37, further comprising the steps of:

receiving, via a network, a request to pay a bill associated with a merchant on behalf of the consumer;

searching the master merchant file database to determine if information associated with the merchant is included in the master merchant file database;

adding information associated with the merchant to the master merchant file database if information associated with the merchant is determined to not be included in the master merchant file database; and

processing the request to generate an instruction to pay the bill.

39. (AMENDED) A method for processing consumer supplied payment records, comprising the steps of:

receiving from a consumer a plurality of payment records, each of the plurality of payment records [including] identifying a merchant [to whom payment has been made];

[searching a master database of merchants to determine] determining if [a] the merchant [to whom payment has been made] identified in each of the plurality of payment records is included in [the] a master merchant file database [of merchants]; and

adding [a] the identified merchant [to whom payment has been made] to the master merchant file database, [and] if it is determined that the identified merchant is not included in the master merchant file database [of merchants to the master database of merchants].

40. (AMENDED) The method of claim 39, wherein [the plurality of merchants contained in] the master merchant file database [of merchants include] includes merchants [received from] identified by other consumers.

41. (AMENDED) A system for paying bills, comprising:

a network interface configured to receive a request to pay a bill associated with a merchant on behalf of a consumer;

a storage device configured to store a master merchant file database [of merchants]; and

a processor configured to search the stored master merchant file database [of merchants] to determine if the merchant is included in the master merchant file database [of merchants], to add the merchant to the master merchant file database [of merchants] if the merchant is determined to not be included in the master merchant file database [of merchants], and to generate an instruction to pay the bill.

42. (AMENDED) A system for maintaining a master merchant file database, comprising:

a network interface configured to receive [from a consumer] a list of merchants from a consumer;

a storage device configured to store a master merchant file database including [of] merchants [received from] identified by other consumers; and

a processor configured to search the master merchant file database to determine if [a merchant] each of the merchants on the received list [received from the consumer]

is included in the master merchant file database and to add [a] the merchant [to the master merchant database] from the list [of merchants received from the consumer] to the master merchant file database, if [the] that merchant is determined to not be included in the master merchant file database.

43. (AMENDED) The system of claim 42, wherein:

the network interface is further configured to receive a request to pay a bill associated with [a] another merchant on behalf of the consumer; and

the processor is further configured to:

search the master merchant file database to determine if the other merchant is included in the master merchant file database;

add the other merchant to the master merchant file database if the other merchant is determined to not be included in the master merchant file database;

and

process the request to generate an instruction to pay the bill.

44. (AMENDED) A system for processing consumer supplied payment records, comprising:

a network interface configured to receive [from a consumer] a plurality of payment records from a consumer, each of the plurality of payment records [including] identifying a merchant [to whom payment has been made];

a storage device configured to store a master merchant file database [of merchants]; and

a processor configured to search the master merchant file database [of merchants] to determine if [a] the merchant [to whom payment has been made] identified in each of the plurality of payment records is included in the master merchant file database [of merchants] and to add [a] the identified merchant to [whom payment has been made and] the master merchant file database if that merchant is determined not to be included in the master merchant file database [of merchants to the master database of merchants].

45. (AMENDED) The system of claim 44, wherein [the plurality of merchants contained in] the master [database of merchants include] merchant file database includes merchants [received from] identified by other consumers.

46. (AMENDED) An article of manufacture for paying bill, comprising:

a computer readable medium; and

computer programming stored on the medium;

wherein the stored computer programming is configured to be readable from the computer readable medium by a computer to thereby cause the computer to operate so as to:

receive, via a network, a request to pay a bill associated with a merchant on behalf of a consumer;

[search a master database of merchants to] determine if the merchant is included in [the] a master merchant file database [of merchants];

add the merchant to the master merchant file database [of merchants] if the merchant is determined to not be included in the master merchant file database [of merchants]; and

process the request to generate an instruction to pay the bill.

47. (AMENDED) An article of manufacture for maintaining a merchant database, comprising:

a computer readable medium; and

computer programming stored on the medium;

wherein the stored computer programming is configured to be readable from the computer readable medium by a computer to thereby cause the computer to operate so as to:

receive [from a consumer] a list [of] identifying merchants from a consumer;

search a master merchant file database [containing] including merchants [received from] identified by other consumers to determine if [a merchant on the list received from the consumer] each of the identified merchants is included in the master merchant file database; and

add [a] the identified merchant to the master merchant file database [from the list of merchants received from the consumer] if [the] that merchant is determined to not be included in the master merchant file database.

48. (AMENDED) The article of manufacture according to claim 47, wherein the computer readable medium is further readable to cause the computer to:

receive, via a network, a request to pay a bill associated with [a] another merchant on behalf of the consumer;

search the master merchant file database to determine if the other merchant is included in the master merchant file database;

add the other merchant to the master merchant file database if the other merchant is not included in the master merchant file database; and

process the request to generate an instruction to pay the bill.

49. (AMENDED) An article of manufacture for processing consumer supplied payment records, comprising:

a computer readable medium; and

computer programming stored on the medium;

wherein the stored computer programming is configured to be readable from the computer readable medium by a computer to thereby cause the computer to operate so as to:

receive [from a consumer] a plurality of payment records from a consumer, each of the plurality of payment records [including] identifying a merchant [to whom payment has been made];

[search a master database of merchants to] determine if [a] the identified merchant [to whom payment has been made] is included in [the] a master merchant file database [of merchants]; and

add [a] the identified merchant [to whom payment has been made and] to the
master merchant file database if that merchant is determined to not be included in the
master merchant file database [of merchants to the master database of merchants].

50. (AMENDED) The article of manufacture according to claim 49, wherein [the plurality
of merchants contained in] the master merchant file database [of merchants include]
includes merchants [received from] identified by other consumers.